

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

RACHEL A. ARELLANO,

No. C 08-04313 SBA (PR)

Plaintiff,

**ORDER DIRECTING PLAINTIFF TO
SHOW CONTINUED INTENT TO
PROSECUTE THIS ACTION AND TO
PROVIDE COURT WITH CURRENT
ADDRESS**

v.

J. BETTANCOURT, et al.,

Defendants.

Plaintiff filed the instant pro se civil rights complaint under 42 U.S.C. § 1983.

Pursuant to Federal Rule of Civil Procedure 41(b), a district court may sua sponte dismiss an action for failure to prosecute or to comply with a court order. See Link v. Wabash R.R., 370 U.S. 626, 633 (1962); McKeever v. Block, 932 F.2d 795, 797 (9th Cir. 1991). But such a dismissal should only be ordered when the failure to comply is unreasonable. See id. A district court should afford the litigant prior notice of its intention to dismiss. See Malone v. United States Postal Serv., 833 F.2d 128, 133 (9th Cir. 1987). Pursuant to Northern District Local Rule 3-11, a party proceeding pro se whose address changes while an action is pending must promptly file and serve upon all opposing parties a notice of change of address specifying the new address. See L.R. 3-11(a). The Court may, without prejudice, dismiss a complaint or strike an answer when: (1) mail directed to the attorney or the pro se party by the court has been returned to the court as not deliverable, and (2) the court fails to receive within sixty days of this return a written communication from the attorney or pro se party indicating a current address. See L.R. 3-11(b).

In the instant case, the Court received a letter from Mario P. Guevara, Jr., from the Financial Services of the County of Santa Clara, Department of Correction. Mr. Guevara states that Plaintiff "is no longer with the Department of Correction . . . [and], none of the remaining filling [sic] fee was withheld from his [sic] account." (Jan. 22, 2009 Letter at 1.) Moreover, the Court notes that it has been almost four months since Plaintiff has communicated with the Court. The record shows that

1 Plaintiff filed her prisoner trust account statement on October 24, 2008, and she has not
2 communicated with the Court since that date. Accordingly, it is in the interests of justice and
3 judicial efficiency for the Court to establish Plaintiff's current address and whether she intends to
4 continue to prosecute this action.

5 In light of the foregoing, Plaintiff shall file with the Court a notice of her current address and
6 her continued intent to prosecute no later than **thirty (30) days** from the date of this Order. Failure
7 to timely do so shall result in **dismissal of this action without prejudice** under Federal Rule of
8 Civil Procedure 41(b).

9 IT IS SO ORDERED.

10 DATED: 2/10/09


SAUNDRA BROWN ARMSTRONG
United States District Judge

United States District Court
For the Northern District of California

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 RACHEL A. ARELLANO,

5 Plaintiff,

6 v.

7 J. BETTANCOURT et al,

8 Defendant.

Case Number: CV08-04313 SBA

CERTIFICATE OF SERVICE

9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
10 Court, Northern District of California.

11 That on February 11, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
13 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
14 located in the Clerk's office.

15 Rachel Ann Arellano DNT245 - 08047537
16 Santa Clara County Jail
17 Elmwood Facility
18 701 S. Abel Street
19 Milpitas, CA 95035

20 Dated: February 11, 2009

21 Richard W. Wieking, Clerk
22 By: LISA R CLARK, Deputy Clerk
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